



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JHK:DCL

*610 Federal Plaza
Central Islip, New York 11722*

November 1, 2016

Honorable Joseph F. Bianco
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Kenner and Constantine
No. CR-13-607 (S-2) (JFB)

Dear Judge Bianco:

The Government writes to respectfully request that the Court direct Kenneth Jowdy ("Jowdy") to comply with the terms of the Post-Conviction Protective Order ("Protective Order") that was so ordered by the Court on August 21, 2015, and allow the Government access to the premises located at Diamante Cabo San Lucas (the "Property" or "DCSL"), and the books and records maintained on same.

The Government submits that under the terms of the Protective Order, it is authorized to inspect the Property, and the books and records maintained on the Property. While the Government acknowledges that Jowdy has produced summaries and spreadsheets of DCSL's business records, we requested that Jowdy allow the Government to travel to the Property to review the original books and records. Specifically, by letter dated, October 11, 2016, the United States Marshals requested that Jowdy allow a visit to the Property for the purpose of performing an appraisal of the Property and understanding the financial condition and management operations of the company. The Marshals also requested that the accountant who constructed the financial statements for the company be available to answer questions. To date, Jowdy has refused these requests.

In addition, attorneys for Jowdy have requested that the Government evaluate the reasonableness of a proposed sale of approximately 12 acres of property, as well as the proposed settlement of litigation between Jowdy and certain hockey players who are victims in the underlying criminal case. In order to do so, a site visit, as well as an in-person inspection of the books and records is necessary to evaluate the proposals.

Lastly, the Government writes to respectfully request permission to file an Amended Memorandum of Law in Support of Entry of an Order of Forfeiture. Subsequent to the government's filing on October 7, 2016 of its Memorandum of Law in Support of Entry of an Order of Forfeiture (the "Forfeiture Brief"), counsel for Jowdy requested that the government file an amended forfeiture brief to omit one word located on page 20 of the Forfeiture Brief. Although it is the Government's position the language is appropriate given the facts of and testimony in this case, in an effort to avoid litigation on this issue and delay of the forfeiture proceedings, the Government requests permission to file an Amended Memorandum of Law in Support of Entry of an Order of Forfeiture for the sole purpose of omitting one word found on page 20 of the Forfeiture Brief.

Respectfully submitted,

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By: /s/ Diane C. Leonardo
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